

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DERRICK MICHAEL ALLEN, SR.)
)
)
Plaintiff,)
)
)
v.) 1:20CV293
)
)
SUNTRUST BANK, et al.,)
)
)
Defendants.)

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on April 1, 2020, was served on the parties in this action. (Text Order and Recommendation dated Apr. 1, 2020; Doc. 6.) Plaintiff objected to the Recommendation. (Doc. 8.)

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objections were made and has made a de novo determination in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that this action is dismissed for want of subject matter jurisdiction.

Mr. Allen has filed multiple cases raising frivolous claims in this court. He is now strongly cautioned not to file claims lacking a legal and/or factual basis in violation of Federal Rule of Civil Procedure 11. It is not enough that he may think he has

been wronged; he must have a good faith basis in fact and in law to support his claims. While his *pro se* status entitles him to some consideration as a non-lawyer, it does not excuse him from his obligation to file only claims that have a good faith basis. Continued filing of frivolous cases diverts the court's attention from cases that actually raise cognizable claims and thus slows the court's ability to administer justice. Sanctions, including a pre-filing injunction, are options available to the court to address continued frivolous filings.

/s/ Thomas D. Schroeder
United States District Judge

August 21, 2020